

wait until the Bill was further advanced before making up his mind as to the number of Judges necessary. The House would be very glad to hear the views of the hon. gentleman on this point, and to know why he fixed upon six and preferred that number to five or seven. After giving the question careful consideration he (Sir JOHN) thought on the whole, seven was not too many. It will be remembered, however, that in his Bill, it was proposed that the Supreme Court Judges should be the Judge who should try all cases of controverted elections. He thought perhaps it would be found by and bye that this jurisdiction must be conferred upon the Judges, and if they were to believe the English newspaper reports the number of controverted elections was growing very rapidly in the Mother Country, and the avenues of justice would be obstructed very much. The Minister of Justice had a Bill before the House compelling the Judges *sit de die in diem* whatever might be their ordinary duties in their own Provinces, and the litigation in their own Courts. However, that was a matter that time would settle, and he did not doubt that, hereafter, if representations should be made from the different Provincial Courts that the ordinary administration of justice was being interfered with very much by this jurisdiction being thrown upon them, the Supreme Court Judges would be made available. At first he imagined that the duties of these Judges would not be onerous, that is to say, their time would not be so fully occupied as the other Judges, and they might probably be found available to try controverted elections originally instead of simply in appeal. The clauses concerning the constitutional questions to be submitted to these Judges would, of course, require the gravest consideration. He saw from the remarks of his hon. friend that he was fully impressed with the importance of these clauses and the necessity of their being fully considered and of seeing that they did not in any way infringe upon our constitution or erect any Court which would in any degree over-ride the Parliament of Canada. So far as he understood his hon. friend, these clauses were principally for the purpose of informing the conscience of the Government, just as the Judicial Committee of the Privy Council might be called upon by HER MAJESTY to give their opinion

*Hon. Sir John A. Macdonald.*

upon certain questions. He supposed that the new Supreme Court Act in England contained similar clauses. As to the two or three new clauses on the subject which the hon. gentleman had discussed at some length, they were so important that he would claim the liberty of reserving his opinion. As regards the question of appeal to the Privy Council, he had always held the opinion that as long as we were a dependency it was of importance that the right of every Canadian, as of every other British subject, to appeal to the Court of the highest jurisdiction should be preserved, though he was free to admit that sometimes this appeal was made the means of oppression in the case of a rich man against a poor man, on account of the great expense attending it. It seemed to him that it would be severing one of the links between this country and the Mother Country if the right of appeal were cut off ruthlessly. That, however, could only be done by Imperial statute. There was a good deal in what the hon. gentleman had said that the new Supreme Court in England was not a prerogative Court like the Judicial Committee of the Privy Council. Still that Court was designed by the Imperial Parliament to have all the functions by substitution which the Judicial Committee of the Privy Council had. In fact by the Act the Prerogative Court had been made statutory and conferred upon the new Court. As to the other details of the Bill they seemed to be very carefully considered, and he had no doubt that the hon. gentleman would receive from this side of the House any suggestions as to those details in the same spirit in which he had addressed the House in introducing the Bill.

The Bill was then read a first time.

#### STATISTICS.

Hon. Mr. TUPPER said before the Orders of the Day were called he desired to draw the attention of the Premier to a point in which the Government in this House seemed to entertain a different opinion from the Government in the other end of the building. It would be in the recollection of the House that the member for South Waterloo offered a motion to refer the question of procuring statistics to a Committee which at the suggestion of the Premier was with-